

**REMARKS**

Applicant has carefully considered the Office Action of August 11, 2005 and offers the following remarks to accompany the above amendments.

Before addressing the rejections, Applicant provides a brief summary of the claimed invention so that the remarks are considered in the proper context. The present invention is designed to facilitate monitoring a hosted voicemail system. That is, even though the hosted voicemail system is not associated with any customer device, the user may listen as messages are being left in the voicemail system and may interrupt the message to "pick up" the call. In a first embodiment, calls are initially directed to the telephone terminal of the called party before being forwarded to the hosted voicemail system. In a second embodiment, the calls are directed initially to the voicemail system and then the telephone terminal is alerted to the existence of an incoming call that the called party may wish to monitor.

There is another permutation to the present invention, namely whether the invention is active or passive. In the passive permutation, a speaker channel is opened without user intervention. In this permutation, the telephone terminal audibly plays the message being recorded by the hosted voicemail system as the message is being recorded at the hosted voicemail system. Thus, like a conventional answering machine, if the user is within hearing distance of the telephone terminal, the user may listen to the message as it is being recorded without having to interact with the terminal.

Applicant herein amends the independent claim 1 to focus on the second embodiment. Specifically, claim 1 is amended to recite "wherein the call is initially directed to the hosted voicemail system before being directed to the telephone terminal". Support for this amendment can be found in paragraph 0019 of the specification as originally filed. No new matter is added. The dependent claims for claim 1 are amended to conform to the amendments to claim 1. Again, no new matter is added.

Claim 17 has been amended to include the subject matter of claim 20. Claim 20 is canceled as redundant. Claim 21 is amended to change its dependency. Claim 17 is further amended to recite that the speaker channel is opened without user intervention. Claim 17 thus focuses on the passive permutation discussed above. Support for this amendment can be found in paragraphs 0017 and 0018 of the specifications as originally filed. No new matter is added.

Claims 1-32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Howe et al (hereinafter "Howe"). Applicant respectfully traverses. For the Patent Office to issue an anticipation rejection, the Patent Office must show where each and every claim element is located in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131.

As amended, claim 1 recites that the call is initially directed to the hosted voicemail system before being directed to the telephone terminal. Howe shows the opposite situation, see Howe, Fig. 3A (steps 39, 40), col. 3, lines 65-67 and col. 9, lines 44-47. Applicant's reading of Howe shows no teaching or suggestion that Howe initially directs the call to the voicemail before directing the call to the telephone terminal. As such, Howe does not show the claim element of the amended independent claims. Applicant requests withdrawal of the § 102 rejection of claims 1-16 at this time on this basis.

As amended, claim 17 recites that the speaker channel is opened without user intervention. In its analysis of claim 20, the Patent Office points to Howe, col. 4, lines 20-23, col. 7, lines 18-21, and col. 10, lines 57-60. While the passages do disclose a one-way communication path being opened, in each case, the user must answer or otherwise interact with the telephone terminal before the one-way communication path is opened. Specifically, at steps 39 and 41 of Figure 3A, if the phone is not answered within the second predetermined time, the process ends (step 38). Only if the phone is answered at 39 or 41 is the step 60 (establish one-way connection from communication to called party) reached. Thus, Howe clearly does not teach the speaker channel being opened without user interaction as recited in claim 17. Since Howe does not teach or suggest this element, Howe does not anticipate claim 17, or dependent claims 18, 19, and 21-32. Applicant requests withdrawal of the § 102 rejection of claims 17-19 and 21-32 at this time on this basis.

Applicant requests reconsideration of the rejections in light of the remarks presented herein. Howe does not teach or suggest that the call is initially directed to the hosted voicemail system or that the speaker channel is opened without user intervention. Applicant earnestly solicits claims allowance at the Examiner's earliest convenience.

Respectfully submitted,

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